

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

**FILED**  
IN COURT  
ASHEVILLE, N. C.

**MAR 20 2006**

U. S. DISTRICT COURT  
W. DIST. OF N. C.

Tony Harper and Lisa Harper,  
Plaintiffs,

vs.

Hertz Equipment Rental Corporation, JLG  
Cranes Inc., P-Q Controls Inc., Eastwood,  
Ltd., Limited Partnership, Superior  
Construction Greenville, LLC, Superior  
Construction Corporation, and Masco  
Contractor Services Central, Inc. d/b/a Gale  
Insulation,

Defendants,

and

Superior Construction of Greenville, LLC,  
Superior Construction Corporation, and  
Hertz Equipment Rental Corporation,

Third Party Plaintiffs,

vs.

Masco Contractor Services Central, Inc.  
d/b/a Gale Insulation and/or d/b/a Gale  
Quality Building Products,

Third Party Defendant

CASE NO. 1:04-CV 140

**CONSENT ORDER OF DISMISSAL**

THIS CAUSE came on to be heard and was heard before the Honorable Dennis L. Howell, and it appearing to the Court that the Plaintiffs and Defendants have agreed to resolve all issues in this litigation, and as part of the foregoing resolution have consented to appear before the Court and to the entry of this judgment.

It appearing to the Court that Defendants P-Q Controls Inc. and JLG Cranes Inc. have already been previously dismissed from the action and that all of the parties remaining in this action have now settled all claims between them and have entered into separate settlement agreements with the Plaintiffs and consent to the entry of this judgment;

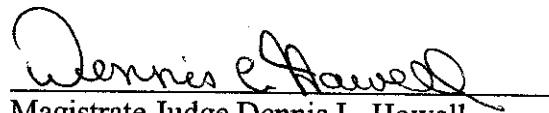
It appearing to the Court that counsel for the Plaintiffs has confirmed, and that the Plaintiffs and each of them in open court have confirmed that the Plaintiffs understand the proposed settlements and that these settlements are in fact final and they knowingly and voluntarily have entered into settlement agreements with the remaining Defendants;

It appearing to the Court that counsel for the Plaintiffs has circulated a letter from Mr. Harper's treating physician attesting to his current mental capacity to knowing and understanding the nature of his acts and to make rationale business decisions;

**IT IS ORDERED, ADJUDGED AND DECREED** that this action, pursuant to Federal Rules of Civil Procedure 41(a)(2), including all complaints, claims, counterclaims, cross-complaints, third-party complaint, cross-claims, and any other claim or claims that have been, or could or should have been asserted in the action by each and every party hereto, is dismissed with prejudice. The remaining Defendants specifically dismiss with prejudice any rights to indemnity or contribution against each other that were asserted or could have been asserted in the action, and each party shall bear its or their own attorneys' fees, costs, and/or settlement disbursements, if any, incurred in this matter.

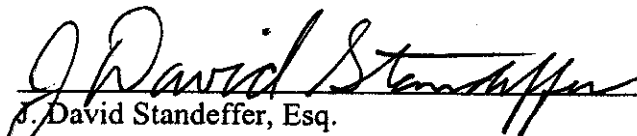
This Court retains jurisdiction in this matter to enforce any written settlement agreement and releases entered into between the parties.


**IT IS SO ORDERED.**

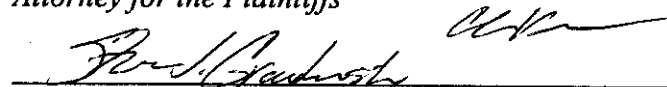
  
Magistrate Judge Dennis L. Howell  
Western District of North Carolina

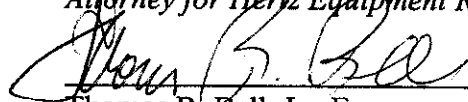
Dated: March 20, 2008

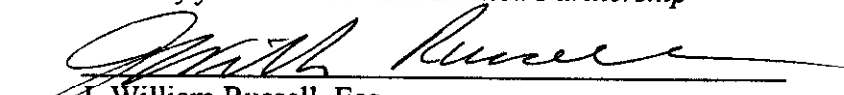
WE AGREE:


  
J. David Standeffer, Esq.  
Attorney for the Plaintiffs

  
Joel B. Stevenson, Esq.  
Attorney for the Plaintiffs

  
Stephen J. Grabenstein, Esq.  
Attorney for Hertz Equipment Rental Corporation

  
Thomas R. Bell, Jr., Esq.  
Attorney for Eastwood Ltd Limited Partnership

  
J. William Russell, Esq.  
Attorney for Superior Construction Greenville, LLC  
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Mark W. Bakker, Esq.  
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d/b/a Gale Insulation